

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JOHN T. FITZGERALD,

Plaintiff,

vs

6:02-CV-1000

JoANNE B. BARNHART, Commissioner of  
Social Security,

Defendant.  
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APPEARANCES:

OF COUNSEL:

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& WALLEN, P.C.  
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Assistant U.S. Attorney

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff commenced this action in August 2002. By Report-Recommendation dated May 12, 2006, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that the Commissioner's decision denying disability benefits be reversed and this action be remanded to the Commissioner pursuant to Sentence Six of 42 U.S.C. § 405(g). No objections have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Treece, the Report-Recommendation is accepted and adopted in whole.

See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that this matter is REMANDED to the Commissioner for further proceedings consistent with the Report-Recommendation.

IT IS SO ORDERED.

Dated: October 12, 2006  
Utica, New York.

  
United States District Judge